

10.12.2020
Sl. No.32
akd
[ALLOWED]

C. R. M. 10180 of 2020 [via video conferencing]

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 03.12.2020 in connection with Md. Bazar Police Station Case No. 44 of 2020 dated 09.02.2020 under Section 376D of the Indian Penal Code. (G.R. Case No.149 of 2020)

And

In Re: ***Nijam Sekh***

... .. Petitioner

Mr. Bitasok Banerjee .. Advocate

Mr. Biswajit Mitra .. Advocate

... .. for the petitioner

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Parthapratim Das .. Advocate

Mrs. Manasi Roy .. Advocate

... .. for the State

It is submitted on behalf of the petitioner that he is in custody for about 302 days. It is further submitted that co-accused persons are on regular bail.

Learned advocate appearing for the State opposes the prayer for bail.

Although the allegations are grave, we are constrained to enlarge the petitioner on bail in view of the fact that co-accused persons have been enlarged on bail and no steps have been taken for challenging the said order before the appropriate forum. Accordingly, we are of the opinion that further detention of the accused/petitioner is not necessary.

Therefore, the accused/petitioner, namely ***Nijam Sekh***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Suri, Birbhum subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further

orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.

The application for bail, thus, stands **allowed**.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)